



PTO/SB/21 (05-03)
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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number 10/664,656

Filing Date September 19, 2003

First Named Inventor Thomas Vaughn

Art Unit 3679

Examiner Name

Attorney Docket Number 1026-0038

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
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| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
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| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks

Also enclosed are the following:
-Return Postcard | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James S. Pristelski
Signature	
Date	December 19, 2003

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Debra A. Howe
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Signature		Date	December 19, 2003
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Attorney Docket No. 1026-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Thomas Vaughn, et al.

Serial No.: 10/664,656

Filed: September 19, 2003

Examiner:

Art Unit: 3679

For: WAYSIDE LED SIGNAL FOR
RAILROAD AND TRANSIT
APPLICATIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DATE: December 19, 2003

NAME: Debra A. Howe

SIGNATURE: Debra A. Wade

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicants hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be

construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fee under 37 CFR 1.97(c) is required. If it is determined that a fee is required for this Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

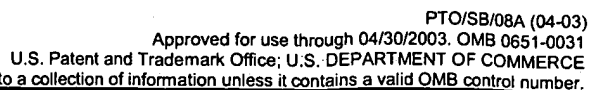
Respectfully submitted,



James S. Pristelski

Registration No. 27,222

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200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500

**Complete if Known**

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/664,656
Filing Date	September 19, 2003
First Named Inventor	Thomas Vaughn
Art Unit	3679
Examiner Name	
Attorney Docket Number	1026-0038

[illegible][illegible]Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Compl te if Known	
Applicati n Numb r	10/664,656
Filing Date	September 19, 2003
First Named Inventor	Thomas Vaughn
Art. Unit	3679
Examiner Name	
Attorney Docket Number	1026-0038

Sheet	2	of	2
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OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	49 CFR Section 236.23, pages 492-492	
	2	Safetran Systems Instructions and Installation Manual, "Solid-State Corssing Controller IIIA (SSSCC IIIA) 91160, 91165, 91180, 91185," July 2003.	
	3	2004 American Railway Engineering and Maintenance of Way Association (AREMA), Manual of Communications and Signals, Manual Part 7.1.5 "Recommended Design Criteria and Functional/Operating Guidelines for an LED Light Unit Used in Wayside, pgs 1-5	
	4	2004 American Railway Engineering and Maintenance of Way Association (AREMA), Manual of Communications and Signals, Manual Part 17.3.1 "Recommended Safety Assurance Program for Electronic/Software Based Products Used in Vital Signal pgs: 1-13	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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